<u>REMARKS</u>

The Examiner rejected claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Langfahl (U.S. Patent No. 6,031,528).

Applicant amends claim 1.

Claims 1-16 are pending in the application.

<u>Rejection of Claims 1-16 under 35 U.S.C. § 103(a)</u>

The Examiner rejected claims 1-16 as being unpatentable over Langfahl.

The Examiner writes that Langfahl teaches "modifying the visual network plan . . . according to hardware and/or software existing in the protocol tester" because Langfahl modifies a visual network plan according to hardware and/or software existing in "the system" which includes User PC 20 (Langfahl's protocol tester). Specifically, the Examiner writes:

> "<u>Langfahl</u> teaches performing a connectivity test from the user computer (protocol tester) to another device on the network map (<u>see col 3, lines 15-17</u>). This test would **perform** according to hardware existing <u>in</u> the user computer as well as hardware existing outside the user computer. Additionally, the graphical software existed <u>in</u> the user computer would also be used to **perform** network map display and other diagnostic functions (<u>see col 3, lines 17-30</u>)." (underlining in original, bold emphasis added)

In other words, Langfahl's visual network plan is modified according to the **performance** of hardware and/or software in User PC 20.

Applicant disagrees because the Examiner's interpretation of the claim language "existing in" is inconsistent with Applicant's disclosure. The claim language means that the visual network plan is modified according to **the very presence of—not the performance of—** hardware/and or software in the protocol tester. This meaning of "existing in" is clear from Applicant's specification at page 5, line 19 – page 6, line 4 (emphasis added):

> "[The modification of a visual network plan] ensures that the user does not define parameters . . . which cannot be implemented with the **existing** hardware and/or software equipment of the protocol tester. . . . In this way the protocol tester allows the configuration by the user of only those elements for which the corresponding hardware and/or software equipment **exists** in the protocol tester. Any measurement task configuration that is not possible at all using the protocol tester is thus reliably avoided."

Also see page 7, lines 19-22 (The protocol tester determines "which network cards are **available**, which interfaces **exist**, and which protocol stacks have been **configured**.") and page 7, lines 6-12 (The protocol tester does not make Gn and Gr interfaces available to the user because Gn and Gr interfaces have not been **installed**.).

In order to make this meaning more apparent and thus more clearly define the scope of the claimed subject matter, Applicant amends claim 1 as follows: "modifying the visual network plan . . . according to <u>which</u> hardware and/or software ~~existing~~ <u>exists</u> in the protocol tester."

Claim 1 as so amended is not rendered obvious by Langfahl because, as discussed in Applicant's previous response dated December 18, 2007, Langfahl does not teach or suggest "modifying the visual network plan . . . according to which hardware and/or software exists in the protocol tester." Accordingly, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-16 are allowable because they depend from claim 1, which is allowable for the reason discussed above. Accordingly, Applicant requests that the rejection of claims 2-16 under 35 U.S.C. § 103(a) be withdrawn.

<u>Conclusion</u>

In view of the foregoing remarks, allowance of claims 1-16 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,
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